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AUG 04 2005

OFFICE OF PETITIONS

In re Application of :
Zugibe et al. :
Application No. 10/730,791 :
Filed: December 9, 2003 : ON PETITION
Title of Invention: :
METHOD AND APPARATUS FOR :
OPTIMIZING REFRIGERATION :
SYSTEMS :
:

This is a decision on the Petition to Revive, filed December 13, 2004. The petition is properly treated under 37 CFR 1.181.

The petition is granted.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers ("Notice"), mailed March 10, 2004. The Notice set a two (2) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned on May 11, 2004. A Notice of Abandonment was mailed on December 7, 2004.

Applicant's Assertion

Applicant responds with the instant petition wherein Applicant avers that a timely reply to the Notice was filed on March 18, 2004, and was received by this Office as evidenced by Applicant's return-receipt postcard. In support of this assertion, Applicant provides a copy of a return-receipt postcard acknowledging receipt of, *inter alia*, a Response to the Notice and 8 sheets of drawing Figures 1-9 by this Office on December 9, 2004.

A review of the return-receipt postcard reveals that Applicant is correct. The postcard acknowledges receipt of, *inter alia*, a Response to the Notice and 8 sheets of drawing Figures 1-9 by this Office on December 9, 2004.

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of

receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

In view of the foregoing, the holding of abandonment is hereby withdrawn. The petition is granted.

No fee has been charged and none is due.

The application will be referred to the Office of Initial Patent Examination for correction of Office records to indicate that a Response to the Notice and 8 sheets of drawings, Figures 1-9, were timely filed in this Office on March 18, 2004 and for further processing in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.


Derek L. Woods
Petitions Attorney
Office of Petitions